

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
)
v.)
)
DAVID DESOUSA,)
)
Defendant.)

FINAL STATUS REPORT

Pursuant to Local Rule 116.5(c), the United States, by its undersigned counsel, respectfully submits the following status report regarding the above-captioned matter, which is set for a final status conference on May 13, 2021. The defendant in this case is charged with six counts of possession with intent to distribute and distribution of methamphetamine, in violation of 21 U.S.C §§ 841(a)(1), 841(b)(1)(A)(viii), 841(b)(1)(B)(viii), and 841(b)(1)(C). Government counsel circulated a draft of this status report to defense counsel, and counsel advised that he is in agreement with the report.

1. Request for a Rule 11 hearing

The parties have not engaged in plea discussions and do not request a Rule 11 hearing at this time.

2. Pretrial Conference

No pretrial motions are pending and the defendant requests additional time to file any motions to suppress.

A. Discovery and discovery requests

The United States produced automatic discovery materials on December 14, 2020. The United States provided redacted videos on February 12, 2021. The United States understands that it has an ongoing and continuing duty to produce discovery.

B. Timing of additional discovery requests

The defendant has not made any discovery requests.

C. Pretrial motions

The defendant has not filed any pretrial motions under Fed. R. Crim. P. 12(b). The defendant requests additional time to file any motions to suppress.

D. Periods of excludable delay

The government moves for excludable delay between May 13, 2021, and the next court hearing. If this motion is allowed, there will be no non-excludable days under the Speedy Trial Act.

E. Estimated length of trial

The estimated length of the trial is one week.

3. Other matters

The parties request to be heard at the final status conference on May 13, 2021 to address the schedule for filing of the defendant's pretrial motions.

The United States moves the Court to exclude the time between May 13, 2021, to the next court hearing, under the Speedy Trial Act, pursuant to 18 U.S.C. §§ 3161(h)(7)(A), 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv) due to the potential for pretrial litigation should the case proceed to trial. Given the existence of these factors, the ends of justice served by excluding the

time outweighs the best interests of the public and the defendant in a speedy trial. Counsel for the defendant assents to this request.

Respectfully submitted,

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Acting United States Attorney

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Certificate of Service

I hereby certify that I served the foregoing document by ECF on May 10, 2021 to counsel of record.

/s/ Philip C. Cheng
Philip C. Cheng
Assistant U.S. Attorney